

EXHIBIT D

Brady Brammer (SBN: 13411)
Matt Piccolo (SBN: 15707)
BRAMMER RANCK, LLP
1955 W. Grove Parkway, Suite 200
Pleasant Grove, UT 84062
Telephone: (801) 893-3951
bbrammer@spauldinglaw.com
mpiccolo@spauldinglaw.com

James M. Burnham (*pro hac vice*)
Harry S. Graver (*pro hac vice*)
JONES DAY
51 Louisiana Avenue, N.W.
Washington, D.C. 20001
Telephone: (202) 879-3939
jburnham@jonesday.com
hgraver@jonesday.com

Counsel for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

GARFIELD COUNTY, UTAH, a Utah political
subdivision; KANE COUNTY, UTAH, a Utah
political subdivision; and THE STATE OF UTAH, by
and through its Governor, SPENCER J. COX, and its
Attorney General, SEAN D. REYES,
Plaintiffs,

ZEBEDIAH GEORGE DALTON; BLUERIBBON
COALITION; KYLE KIMMERLE; and SUZETTE
RANEA MORRIS,
Consolidated Plaintiffs,

v.

JOSEPH R. BIDEN, JR., in his official capacity as
President of the United States; DEBRA A. HAALAND,
in her official capacity as Secretary of Interior;
DEPARTMENT OF THE INTERIOR; TRACY STONE-
MANNING, in her official capacity as Director of the
Bureau of Land Management; BUREAU OF LAND
MANAGEMENT; THOMAS J. VILSACK, in his official
capacity as Secretary of Agriculture; DEPARTMENT
OF AGRICULTURE; RANDY MOORE, in his official
capacity as Chief of the United States Forest Service;
and UNITED STATES FOREST SERVICE,
Defendants,

HOPI TRIBE; NAVAJO NATION; PUEBLO OF ZUNI;
and UTE MOUNTAIN UTE TRIBE,
Intervenor Defendants.

**SUPPLEMENTAL DECLARATION
OF RICHARD KLEIN IN SUPPORT
OF PLAINTIFFS' AMENDED
COMPLAINT**

Lead Case No. 4:22cv00059 DN-PK
Member Case No. 4:22cv00060 DN

District Judge David Nuffer
Magistrate Judge Paul Kohler

I, Richard Klein, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am over 18 years of age, of sound mind, and otherwise competent to make this declaration. This declaration is based on my personal knowledge.

2. I declare under penalty of perjury under the laws of the United States that the information in both this declaration and my prior declaration (attached hereto) is true and correct.

3. The injuries described in my prior declaration have continued to endure, and will only compound so long as President Biden's monument designations are allowed to stand.

4. Trail Hero has hosted some of our events on federal lands, including federal lands in Utah. As noted in my original declaration, *see, e.g.*, Klein Decl. ¶ 6, we would like to bring Trail Hero to areas in both the Bears Ears and Grand Staircase-Escalante National Monuments. Indeed, we have spent time and resources considering locations now within the Monuments for possible events—for instance, the Hole-in-the-Rock Trail. But we have been deterred from doing so because of the higher regulatory burden that currently attaches to hosting events on monument lands. Among other things, it is much harder to obtain a special recreation permit now than before President Biden's Proclamations. In light of this burden, our time and resources are better spent just applying to have our events elsewhere. But the point remains that but for President Biden's Proclamations, we would be trying to bring Trail Hero to other places in Utah that are currently within the bounds of the Monuments.

Dated: 1/3/23

/s/ Richard Klein

Richard Klein

Brady Brammer (SBN: 13411)
Matt Piccolo (SBN: 15707)
SPAULDING LAW, LLP
1955 W. Grove Parkway, Suite 250
Pleasant Grove, UT 84062
Telephone: (801) 893-3951
Facsimile: (801) 877-4318
bbrammer@spauldinglaw.com
mpiccolo@spauldinglaw.com

James M. Burnham (*pro hac vice* forthcoming)
Harry S. Graver (*pro hac vice* forthcoming)
JONES DAY
51 Louisiana Avenue, N.W.
Washington, D.C. 20001
Telephone: (202) 879-3939
Facsimile: (202) 626-1700
jburnham@jonesday.com
hgraver@jonesday.com

Counsel for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

ZEBEDIAH GEORGE DALTON; BLUERIBBON
COALITION; KYLE KIMMERLE; and SUZETTE
RANEA MORRIS,

Plaintiffs,

v.

JOSEPH R. BIDEN, JR., in his official capacity as
President of the United States; DEBRA A.
HAALAND, in her official capacity as Secretary of
Interior; DEPARTMENT OF THE INTERIOR;
TRACY STONE-MANNING, in her official capacity
as Director of the Bureau of Land Management;
BUREAU OF LAND MANAGEMENT; THOMAS J.
VILSACK, in his official capacity as Secretary of
Agriculture; DEPARTMENT OF AGRICULTURE;
RANDY MOORE, in his official capacity as Chief of
the United States Forest Service; and UNITED
STATES FOREST SERVICE,

Defendants.

Civil Action No. 4:22-cv-00060-DN

**DECLARATION OF RICHARD
KLEIN**

I, Richard Klein, declare as follows:

1. My name is Richard Klein. I run a business called Trail Hero. This declaration is based on my personal knowledge. I am over 18 years old. Trail Hero is a member of BlueRibbon.

2. I currently live in Hurricane, Utah, where I am raising two kids—one twelve, and the other ten. Our family loves the outdoors and we care deeply about conserving our public lands.

3. Trail Hero is an organization that works on public land issues and brings together motorized access groups across the state (and the country). We also do important work in the community involving motorized access to the outdoors. For instance, we work with the special needs department of Valley Academy—a charter school here in Hurricane—to help make sure that children with special needs may be able to access the great outdoors of Southern Utah. Because of their disabilities, these children are often unable to explore these lands without the assistance of motorized vehicles. As part of our community outreach program, we take these kids off-roading several times a year. We've been told these trips are a highlight of the Valley Academy school year.

4. Trail Hero's biggest function is organizing an annual off-roading event in Southern Utah. The entire purpose of this event is to make sure that everyone has the opportunity to access the great outdoors. To that end, we organize specific special needs access days as well as veterans access days. The point is that, for one reason or another, many people cannot access these public lands—and experience their beauty—through walking, hiking, or riding. Rather, they require some form of motorized access to do so. And that is where Trail Hero and our programs come in.

5. Trail Hero primarily operates out of Washington County, in the Southwestern part of Utah. We are responsible for an annual economic impact of around \$12.3 million to the region.

6. We are being directly harmed by both the Grand Staircase-Escalante and Bears Ears National Monuments. We have been wanting to expand into surrounding counties in Utah, but the

Monuments have made that impossible with their trail closures and land-use restrictions on off-roading and motorized vehicles. But for the Monuments, we would be bringing Trail Hero to other places in Utah—for instance, the Hole in the Rock Trail—expanding access and bringing revenue into new areas. If we were able to utilize the trail network in these places, we’d expand our events.

7. The Monuments’ harmful effects on off-roading will, in my experience particularly harm our veteran’s community. I’ve seen firsthand how veterans’ mental health greatly improves from our program—similar to a bonding and rehabilitation program—and through an ability to access the outdoors and public lands. In particular, we have found that being in remote outdoor locations allows our veterans to disconnect from the world a bit, and focus on releasing the stresses that dominate their minds daily, while also allowing them to feel the freedoms of exploring that they would have not been able to otherwise experience. This is true for injured and able-bodied veterans alike. Because of the Monuments, though, programs like Trail Hero are severely limited.

8. In my work at Trail Hero, I have seen firsthand the importance of motorized access to public land. Simply put, without motorized access to public land, many people will have no access at all. Right now, the typical land closure in these areas is built for able-bodied people who can hike for miles with the appropriate gear. That is not a viable option for many—veterans, the disabled, the elderly, or those with special needs. Absent motorized access, these groups of people will be shut out entirely from the remarkable and life-changing experiences of exploring the unique lands out here. That is not right. Many Americans will never get a chance to experience this land without motorized access to already established dirt roads and routes. If the Grand Staircase-Escalante and Bears Ears National Monuments are allowed to stand in their current form, it is certain that these very people—some of the most vulnerable among us—will be excluded from experiencing these public lands because the designation strips their sole means of accessing them.

Dated: _____

Rich Klein

Digitally signed by Rich Klein

DN: cn=Rich Klein, o=President,

ou=Trail Hero,

email=Rich@TheTrailHero.com,

c=US

Date: 2022.07.02 13:15:23 -06'00'

Richard Klein